

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul B. J. Burton and Theresa A. Deisher

Serial No.: 10/646,308

Group Art Unit No.: 1614

Filed: August 21, 2003

Examiner: Unknown

For: COMPOSITIONS AND METHOD FOR TREATING
CARDIOVASCULAR DISEASE

Docket No.: 3432-B

TRANSMITTAL OF DECLARATION UNDER 37 CFR 1.51 (b)(2)
RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

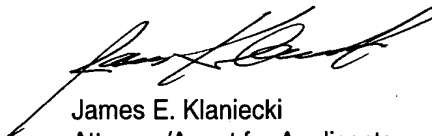
This is in response to a "Notice to file Missing Parts of Application" dated December 2, 2003 noting the absence of a declaration from the papers filed with the above-identified application.

Enclosed herewith are: 1) a copy of the Notice and 2) a Declaration under 37 CFR 1.63 by the applicants in this application.

Please charge Deposit Account No. 09-0089 in the amount of \$130.00 for the surcharge required by § 1.16(e). An original and one copy of this paper are enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0089.

Respectfully submitted,



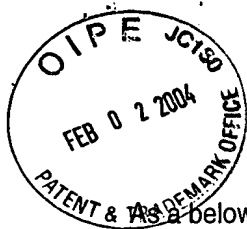
James E. Klaniecki
Attorney/Agent for Applicants
Registration No.: 38,207
Phone: (206) 265-4145
Date: January 30, 2004

Please send all future correspondence to:
Immunex Corporation/JEK
Law Department
51 University Street
Seattle, Washington 98101
(206) 587-0430

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

January 30, 2004 James E. Klaniecki
Date Signature

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am a joint inventor of the invention entitled:

COMPOSITIONS AND METHODS FOR TREATING CARDIOVASCULAR DISEASE

which is described and claimed in the specification which:

- ☐ is attached hereto.
- ☒ was filed on August 21, 2003
as Application Serial No. 10/646,308
and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)			
Country	Application Number	Filing Date (day, month, year)	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION(S)	
Application Number	Filing Date (day, month, year)
60/494,457	12 August 2003
60/406,418	28 August 2002

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the filing date of this application:

PRIOR U.S. APPLICATIONS		
APPLICATION SERIAL NO.	FILING DATE	STATUS

DECLARATION AND POWER OF ATTORNEY (cont'd)

Power of Attorney: As a named inventor I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Steven M. Odre (Reg. No. 29,094), Stuart L. Watt (Reg. No. 32,511), Ron K. Levy (Reg. No. 31,539), Michael K. Kirschner (Reg. No. 34,851), Christine M. Bellas (Reg. No. 34,122), Scott N. Bernstein (Reg. No. 38,827), Joseph W. Bullock (Reg. No. 37,103), Robert R. Cook (Reg. No. 31,602), Monique L. Cordray (Reg. No. 34,802), Joan D. Eggert (Reg. No. 32,980), Kathleen Fowler (Reg. No. 40,611), Timothy J. Gaul (Reg. No. 33,111), Janis C. Henry (Reg. No. 34,347), MarySusan Howard (Reg. No. 38,729), Petrina S. Hsi (Reg. No. 38,496), James E. Klaniecki (Reg. No. 38,207), Matthew W. Knight (Reg. No. 36,846), Nathan A. Machin (Reg. No. 47,763), Randolph N. Mohr (Reg. No. 45,590), Kimberlin L. Morley (Reg. No. 35,391), Karen L. Nicastro (Reg. No. 35,968), Nancy A. Oleski (Reg. No. 34,688), Patricia A. Perkins (Reg. No. 34,693) Richard V. Person (Reg. No. 42,991), Robert L. Sharp (Reg. No. 45,609), Diana K. Sheiness (Reg. No. 35,356), Julie K. Smith (Reg. No. 38,619), Suzanne A. Sprunger (Reg. No. 41,323), Rosemary Sweeney (Reg. No. 52,264), Paul B. Tran (Reg. No. 41,565), Frank S. Ungemach (Reg. No. 34,449), Wendy A. Whiteford (Reg. No. 36,964), Robert B. Winter (Reg. No. 34,458), Thomas D. Zindrick (Reg. No. 32,185), said attorney(s)/agent(s) to have in addition full power of substitution and revocation, including the power to revoke any power herein granted.

Please send all future correspondence to:

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Phone: (206) 265- 4145

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Sole
or First Inventor:

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Inventor's Signature:

Paul Burton

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Joint Inventor, if Any:

Theresa A. Deisher

Inventor's Signature:

Theresa A Deisher

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